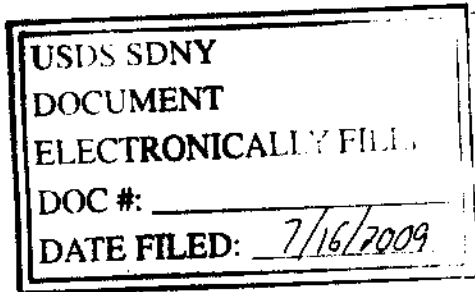


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

- v. -

RONALD P. RESCIGNO,
a/k/a "Ronald Recigno,"
a/k/a "Ronald Rescigho,"
a/k/a "Ronald Resciano,"
a/k/a "Ronald Rescuyno,"
a/k/a "Ronald P. Resgno,"

Defendant.

**AFFIRMATION AND
APPLICATION**

09 Cr. 669 (JGK)

MICHAEL D. LOCKARD, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the office of Lev L. Dassin, Acting United States Attorney for the Southern District of New York. I make this Affirmation and Application, pursuant to the All Writs Act, Title 28, United States Code, Section 1651, for an order to unseal the Manhattan County District Attorney's files and grand jury testimony relating to the January 21, 2008, arrest and prosecution of RONALD P. RESCIGNO, solely for the purpose of the federal criminal case against the defendant. The instant application is made so that the United States Attorney's Office may review the requested materials and comply with the Office's obligations under the Federal Rules of Criminal Procedure and Title 18, United States Code, Section 3500, as well as Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972),

and their progeny.


2. I am the federal prosecutor in charge of the pending federal prosecution of RONALD P. RESCIGNO, a/k/a "Ronald Recigno," a/k/a "Ronald Rescigho," a/k/a "Ronald Resciano," a/k/a "Ronald Rescuyno," a/k/a "Ronald P. Resgno," the defendant. RESCIGNO is charged in Indictment 09 Cr. 669 (JGK) with violating Title 18, United States Code, Sections 2422(a), 2422(b), 2423(a), 2251(a), and 2252A(a)(2). The Manhattan County District Attorney's Office files and the grand jury testimony relating to the January 21, 2008, arrest and prosecution of RESCIGNO (NYSID # 03920370J; Arrest # M08606700; Grand Jury # 7, January 24 & 25, 2008 (1st Term 2008); Indictment # 430-08; Docket Number 2008NY005980) are believed to contain relevant information to the pending federal prosecution.

3. Accordingly, the Government respectfully requests that the Court issue an order directing the unsealing of the files relating to RONALD P. RESCIGNO, a/k/a "Ronald Recigno," a/k/a "Ronald Rescigho," a/k/a "Ronald Resciano," a/k/a "Ronald Rescuyno," a/k/a "Ronald P. Resgno," the defendant, including grand jury testimony and exhibits, so that the United States Attorney's Office for the Southern District of New York can review those materials and, if necessary, disclose any documents contained therein under its obligations referenced above.

WHEREFORE, it is respectfully requested that the Court

grant this Application for an Order unsealing the grand jury testimony and exhibits relating to the January 21, 2008, arrest and prosecution of RONALD P. RESCIGNO (NYSID # 03920370J; Arrest # M08606700; Grand Jury # 7, January 24 & 25, 2008 (1st Term 2008); Indictment # 430-08; Docket Number 2008NY005980).

Dated: New York, New York
July 10, 2009



Michael D. Lockard
Assistant United States Attorney
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